

110TH CONGRESS  
2D SESSION

# S. 3369

To amend the Immigration and Nationality Act to provide for relief to surviving spouses and children, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JULY 30, 2008

Mr. NELSON of Florida (for himself, Mr. KENNEDY, Mr. DURBIN, Mr. MENENDEZ, and Mr. KERRY) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To amend the Immigration and Nationality Act to provide for relief to surviving spouses and children, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. RELIEF FOR SURVIVING SPOUSES.**

4 (a) IN GENERAL.—The second sentence of section  
5 201(b)(2)(A)(i) of the Immigration and Nationality Act  
6 (8 U.S.C. 1151(b)(2)(A)(i)) is amended by inserting “(or,  
7 if married for less than 2 years at the time of the citizen’s  
8 death, an alien who proves by a preponderance of the evi-  
9 dence that the marriage was entered into in good faith

1 and not solely for the purpose of obtaining an immigration  
2 benefit)” after “for at least 2 years at the time of the  
3 citizen’s death”.

4 (b) APPLICABILITY.—

5 (1) IN GENERAL.—The amendment made by  
6 subsection (a) shall apply to all applications and pe-  
7 titions relating to immediate relative status under  
8 section 201(b)(2)(A)(i) of the Immigration and Na-  
9 tionality Act pending on or after the date of the en-  
10 actment of this Act.

11 (2) TRANSITION CASES.—

12 (A) IN GENERAL.—In the case of an alien  
13 described in subparagraph (B) who seeks imme-  
14 diate relative status pursuant to the amend-  
15 ment made by subsection (a), the alien shall  
16 have until the date that is 2 years after the  
17 date of the enactment of this Act to file a peti-  
18 tion under section 204(a)(1)(A)(ii) of the Immi-  
19 gration and Nationality Act (8 U.S.C.  
20 1154(a)(1)(A)(ii)), notwithstanding any other  
21 provision of law.

22 (B) ALIENS DESCRIBED.—An alien is de-  
23 scribed in this subparagraph if—

1                   (i) the alien's United States citizen  
2 spouse died before the date of the enact-  
3 ment of this Act;

4                   (ii) the alien and the citizen spouse  
5 were married for less than 2 years at the  
6 time of the citizen spouse's death; and

7                   (iii) the alien has not remarried.

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